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JENKINS & WILSON, PA  
3100 TOWER BLVD  
SUITE 1400  
DURHAM, NC 27707

EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2697

DATE MAILED: 05/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/658,522

Applicant(s)

BENEDYK ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02-07                      6) ☐ Other:

## DETAILED ACTION

### *Restriction Requirement*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-21, drawn to Signalling path distinct from trunk (CCIS), classified in Class 379, subclass 230.

Group II. Claims 22-33, drawn to Control reliability, classified in Class 379, subclass 279.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I. Claims 1-21, drawn to Signalling path distinct from trunk (CCIS), classified in Class 379, subclass 230 and Group II. Claims 22-33, drawn to Control reliability, classified in Class 379, subclass 279 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this instant case, invention Group II has separate utility such as for use in Control reliability for the scalable call processing node. See M.P.E.P. § 806.05(d).
3. Because these inventions are distinct for the reason given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated proper.
4. During a telephone conversation with Gregory A. Hunt on 05/13/03 a provisional election was made with traverse to prosecute the invention of Group II, claims 22-33. Affirmation of this election must be made by applicant in responding to this Office action. Claims 1-21 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.
5. **Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one**

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**or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application.** Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 22-27 and 29-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Chong et al. (U.S. Patent No. 6,205,557).

Regarding claim 22, Chong teaches an interface server for receiving signaling messages and for performing call server selection based on messages (fig.3; col.6, lines 11-44; ‘interface server’ reads on the claim ‘link interface module’, ‘signaling messages’ reads on the claim ‘SS7 call signaling messages’ and ‘messages’ reads on the claim ‘at least one parameter in the SS7 messages’).

Chong further teaches an active call server for receiving the signaling messages from the interface server and for functioning as a primary call server for a call and adapted to store call information (fig.3; col.6, lines 11-44; ‘active call server’ reads on the claim ‘first call server module’, ‘signaling messages’ reads on the claim ‘SS7 call signaling messages’, ‘interface

server' reads on the claim 'LIM' and 'call information' reads on the claim 'state information for the call').

Chong further teaches a standby call server for storing the call information and functioning as a backup call server for the call, wherein standby call server is adapted to switch operation to become the primary call server for the call in response to failure of the active call server (abstract; fig.3; col.1, lines 36-53, col.6, lines 11-44; 'standby call server' reads on the claim 'second call server module', 'call information' reads on the claim 'state information' and 'active call server' reads on the claim 'first call server module').

Regarding claim 23, Chong teaches the switching from backup to active call server occurs in less than one second (abstract; fig.3, fig.5; col.4, lines 10-65; 'active call server' reads on the claim 'primary call server module').

Regarding claims 24, Chong teaches that the switching occurs without transfer of the call information from the active call server to the standby call server (abstract; fig.3, fig.5; col.3, lines 56-67, col.4, lines 1-65; 'call information' reads on the claim 'call state information', 'active call server' reads on the claim 'first call server module' and 'standby call server' reads on the claim 'second call server module').

Regarding claim 25, Chong teaches that the call information includes at least one transaction register for storing call-related information (abstract; fig.3, fig.5; col.3, lines 56-67, col.4, lines 1-65; 'call information' reads on the claim 'state information' and 'transaction register' reads on the claim 'call table').

Regarding claim 26, Chong teaches that at least one transaction register includes specific routing information for the call and a transaction identification (col.3, lines 56-67; 'transaction

register' reads on the claim 'call table' and 'specific routing information for the call and a transaction identification' reads on the claim 'an endpoint table for storing endpoint information for a media gateway').

Regarding claim 27, Chong teaches that at least one transaction register inherently includes a connection table for storing connection information for connections in the media gateway (col.3, lines 56-67, col.4, lines 1-3; and 'transaction register' reads on the claim 'call table').

Regarding claim 29, Chong teaches storing call information for a first call on active and standby call server connected to each other via a high speed interface (fig.3; col.3, lines 56-67, col.4, lines 1-65; 'call information' reads on the claim 'Call State information', 'active and standby call server' reads on the claim 'first and second call server modules' and 'high speed interface' reads on the claim 'interprocessor message transport bus').

Chong further teaches operating the active call server in active mode and operating the standby call server in a backup mode (abstract; fig.3; col.1, lines 36-53, col.6, lines 11-44; 'active call server in active mode' reads on the claim 'first call server module in a primary call server mode' and 'standby call server' reads on the claim 'second call server module in a backup call server mode').

Chong further teaches detecting failure of the active call server (abstract; fig.3; col.1, lines 36-53, col.6, lines 11-44; 'active call server' reads on the claim 'first call server module').

Chong teaches that in response to failure of the active call server, switching the standby call server to the active mode without transferring the call information from the active call server to the standby call server (abstract; fig.3, fig.5; col.3, lines 56-67, col.4, lines 1-65; 'active call

server' reads on the claim 'first call server module', 'standby call server' reads on the claim 'second call server module', 'active mode' reads on the claim 'primary call server mode' and 'call information' reads on the claim 'call state information').

Regarding claims 30, Chong teaches that storing call information includes storing signaling messages and responses to complete call connection (fig.3, fig.5; col.3, lines 56-67, col.4, lines 1-65; 'call information' reads on the claim 'call state information' and 'signaling messages and responses to complete call connection' reads on the claim 'parameters extracted from a sequence of ISUP messages required to set up or tear down the first call').

Regarding claims 31, Chong teaches that the active mode includes call handling instructions to complete establishing the call (fig.5; col.5, lines 20-32; 'active mode' reads on the claim 'primary call server mode', 'call handling instructions' reads on the claim 'formulating instructions' and 'to complete establishing the call' reads on the claim 'for setting up or tearing down the first call and forwarding the instructions to a transporter module for translation and transport to a media gateway').

Regarding claims 32, Chong teaches that the backup mode includes storing call information without forwarding signaling messages (abstract; fig.3, fig.5; col.3, lines 56-67, col.4, lines 1-65; 'call information' reads on the claim 'call state information' and 'signaling messages' reads on the claim 'call processing messages to intended destinations').

Regarding claim 33, Chong teaches that the switching operation of the standby call server to the active mode includes switching the operation within a fraction of one second (abstract; fig.3, fig.5; col.4, lines 10-65, col.5, lines 20-32; 'standby call server' reads on the claim 'second call server module' and 'active mode' reads on the claim 'primary mode').

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***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al. (U.S. Patent No. 6,205,557) and in view of Haruta (U.S. Pub. No. 2002/0057782).

Regarding claim 28, Chong teaches that the call information includes at least one transaction register for storing call signaling message (col.3, lines 56-67, col.4, lines 1-65; 'transaction register' reads on the claim 'call table' and 'call signaling message' reads on the claim 'call signaling state information for endpoints in the media gateway'). However, Chong fails to teach "state table". Haruta teaches state table (page no.5, paragraph 0099). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chong to allow state table as taught by Haruta. The motivation for the modification is to have the state table in order to store an operation state of the call.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703)305-4717. The fax phone numbers for the



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organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

M. E.

MD SHAFIUL ALAM ELAHEE

May 15, 2003

*KAWilliams*

Kimberly A. Williams  
Primary Examiner  
Technology Center 2600